



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

MAY 05 2015

Tildon Smith
Tribal Chairman
Fort McDermitt Paiute Shoshone Tribe
Post Office Box 457
Fort McDermitt, Nevada 89421

RE: New Indian Environmental General Assistance Program Grant
Application Due:

JUN 10 2015

Dear Chairman Smith:

I am pleased to inform you that your proposal submitted to this office under the U.S. Environmental Protection Agency's Indian Environmental General Assistance Program (GAP) has been tentatively approved for funding. At this time, I am setting aside \$116,000 of funding to support your GAP for one year. The total tentative award for your GAP is \$116,000.

Your previous GAP grant GA-00T66001-2 expired on September 30, 2014. However, the tribe has not yet submitted an interim Federal Financial Report (FFR) as required. The terms and conditions of the grant require that the tribe to submit a final Federal Financial Report (FFR) and performance report no later than 90 days after the expiration of the grant, or December 30, 2014. A final FFR is needed to close the expired grant. If EPA does not receive a final FFR within fourteen days, your new grant award may be delayed, reduced, or denied.

A General Assistance Program grant may not exceed four years. Your current cooperative agreement will expire on **September 30, 2015**, which is the end of your grant's four year budget and project period. As a reminder, a final Federal Financial Report and final performance report must be submitted By December 30, 2015 which is 90 days after the grant ends.

Work plan submission, negotiation, and approval will be conducted electronically in GAP Online. The comments attached here for your reference are also available in GAP Online. If we receive your complete application and an **approvable** revised work plan by the due date we will make every effort to award the grant by September 30, 2015. This funding will support work plan activities from October 1, 2015 to September 30, 2016. Please do not incur any costs under this work plan until the official grant award document has been signed and dated by the EPA Award Official. Any costs incurred before the date of award will not be reimbursed.

This letter does not constitute a grant award. In order to receive funding, the Fort McDermitt Paiute Shoshone Tribe will need to complete an Application for Federal Assistance (SF-424). **The complete application, including an approvable work plan, must be submitted for EPA review by the due date indicated above.** Materials can be submitted earlier and will be processed on a first-come, first-served basis. Please note that in completing your application, you will need to enter the GAP Catalog of Federal Domestic Assistance Number (CFDA), required in box #11 on the SF-424A application form, 66.926.

New Process for Submitting Your GAP Grant Application

Effective February 17, 2015, EPA grant applicants **must** use Grants.gov to submit their applications. The Grants.gov registration process can take up to 30 days to complete. Therefore, it is highly recommended that EPA applicants complete their registration on Grants.gov now. Also, your organization's registration in SAM.gov must be active to utilize Grants.gov. If it appears that the grants.gov registration process may prevent you from submitting your application by the due date aforementioned, then please contact Support@grants.gov or call 1-800-518-4726 as support is available 24 hours a day and 7 days a week. You should also notify your Project Officer before the application due date to request an extension.

Please review both Attachment 2 (Grants.gov Instructions Guide) and Attachment 3 (Region 9 Guidance Information for Applicants) or go to <http://www.epa.gov/region9/funding/information.html> to find additional resources on Grants.gov, Federal Regulations, and new EPA requirements. We suggest you forward these materials to your Project Manager, Financial Officer and any other personnel in your organization requiring this information.

I look forward to working with you and your staff under the General Assistance Program. Questions regarding the completion of the application forms as well as the mandatory use of grants.gov should be referred to Renee Chan, Grants Management Specialist, at (415) 972-3675. You can also contact your GAP Project Officer, Gilbert Pasqua at (415) 972-3788 if you have questions regarding this letter, the work plan or the General Assistance Program.

Sincerely,



Laura M. Ebbert
Manager
Tribal Section

Enclosures

1. Work Plan Comments
2. Grants.gov Instructions Guide
3. Region 9 Guidance Information for Applicants

cc: Duane Masters Sr., Environmental Director (with work plan comments)

GAP 2015-2016 Work Plan Comments Fort McDermitt Paiute Shoshone Tribe

Thank you for developing an outcome-oriented work plan. The following observations and requests were written with the intent of strengthening the Tribe's GAP work plan, identifying possible assistance, and ensuring the work plan meets GAP guidelines. These comments pertain to the 2015-2016 work plan that was submitted with your GAP proposal in GAP Online in December 2014. Please ensure that these comments are addressed in your final GAP work plan in GAP Online.

General Definitions and References

1. The following references are useful for understanding GAP in general, for getting an understanding for environmental outcomes, etc.
2013 Guidance on the Award and Management of General Assistance Program Agreements and Appendix I, Guidebook for Building Tribal Environmental Program Capacity
<http://www.epa.gov/region09/funding/pdfs/tribal-gap14/fy2014-r9-gap-guidance.pdf>
GAP Act (<http://www.epa.gov/Indian/pdfs/4368b.pdf>)
2015 GAP Grant Notification (<http://www.epa.gov/region09/funding/tribal-gap.html>)
EPA Strategic Plan (<http://www2.epa.gov/planandbudget/strategicplan>)
2. Environmental outcomes should be expressed in terms of improvements to public health, the environment, or human behavior. They can also reflect improved tribal capacity to protect public health or the environment. Intermediate outcomes could reflect: a) improved human health or environmental conditions, b) reduced risks to human health or the environment, c) increased tribal capabilities in legal, enforcement, technical, communication, or administrative areas. Long-term outcomes could include attainment of desired environmental conditions (e.g., water quality standards are met) or human health goals, attainment of a desired capacity to plan, develop, implement, manage and sustain tribal environmental programs.
3. Please ensure that each component in your work plan contains one or more capacity indicators that appropriately links to the commitments. Capacity indicators represent the destination of the Tribe's work and therefore the Tribe should express how it will accomplish the tasks necessary to achieve the indicators proposed in its commitments. Moreover, capacity indicators should ideally be placed in the "Measures" section for each component in the work plan. More information on the appropriate use of indicators is found on page 13 of the GAP Guidance. A suite of indicators that the Tribe may consider for inclusion in its work plan is contained in Appendix I of the GAP Guidebook.
4. Please ensure that the total work plan Estimated Component Costs add up to the total approved budget amount indicated in the cover letter, and that the total work plan Estimated Work Years adds up to the total number of approved personnel funded under GAP. I have attached a document entitled "Component Cost and Work Years Guidance" that will help you to correctly identify Component Costs and Work Years to comply with this request.
5. Greening Grants Policy: EPA Region 9 has adopted a Greening Grants Policy which encourages grantees to carry out their EPA grant funded projects in a greener way. Your Project Officer will work with you to determine whether it is feasible to incorporate green practices into your work plan. The Greening Grants Policy includes an attachment which describes many useful green practices. The policy furthers the objectives of EPA's 2011-15 Strategic Plan. The link to Greening Grant

Policy is on the Region 9 Website Homepage, <http://www.epa.gov/region9/funding/greening-grants.html>

6. Regarding Indirect Costs:

- If a Tribe has never received a negotiated Indirect Cost (IDC) rate, they may now elect to charge a de minimus rate of 10% of modified total direct costs (MTDC)* and it may be used indefinitely. If chosen, this methodology must be used consistently for all Federal awards until the Tribe chooses to negotiate for a rate.

Please refer to CFR 2, Part 200, Section 200.414 for more information regarding indirect cost rates. This is a change from FY 13 and FY 14 IDC negotiations. Please work with your project officer when budgeting for a 10% IDC.

*MTDC is the total budget minus equipment and contractual costs.

BUDGET COMMENTS

The GAP core budget for FY2016 is \$116,000

The following line items need to be adjusted:

Travel: \$5,000 in travel was approved. Please adjust your budget accordingly. If the need arises for more travel, the tribe can apply to the Owens Valley Indian Water Commission for the Tribal Travel Fund.

Disapproved costs: \$19,180 for a contractor to assist with ground water and surface water sampling with approved QAPP, this work has been done in the past work plans and is not developing a new capacity for the tribe and therefore is not GAP eligible for this year's work plan.

WORK PLAN COMMENTS

Component 1: Management of Environmental Office

Commitments 1.1:

This commitment looks fine.

Commitments 1.2:

In the description section please identify what GAP program indicator the tribe is using to track work under this commitment.

Commitments 1.3:

This commitment looks fine.

Component 2: Applying for Grants and Attending Meetings

Please revise the title of this component; it reads as a commitment of work rather than an overall component. Please add more detail to the description, and add an indicator in the measures section.

The grants applied under the GAP grant must be eligible under GAP. See Appendix IV of the GAP Guidebook.

Commitment 2.1:

This commitment looks fine.

Commitment 2.2:

In the outputs and deliverables section, please remove the indirect cost rate training, and the contracts under grants training. The trainings would be for the tribal financial office, not the tribal environmental office.

Component 3: Working on Hazardous Waste Activities

In the description section of the component, please provide more detail to the scope of this component, and what areas the tribe will focus on under this component.

Commitment 3.1:

Please move the following statement, "To improve management of current and planned projects dealing with hazardous materials by having trained staff to properly manage responses to disasters," and add to long term outcomes section of component description.

In the outputs and deliverables section, please identify what Agency for Toxics and Disease Registry (ATSDR) document will be submitted to EPA.

Component 4: Water Quality Monitoring

Commitment 4.1-4.2:

Please remove these commitments from the work plan. This capacity has already been developed in prior work plans, and therefore is not GAP eligible for this year's work plan.

Component 5: Radon Program

Commitment 5.1:

In the description section, please specify what will be done during national radon action month.

Commitment 5.2:

In the description section, please identify who will obtain radon training.

In the outputs and deliverables section, please identify how final reports from UNR Cooperative Extension fit with the description of the commitment. Will UNR be providing radon training?

Component 6: Solid Waste

Commitments 6.1:

In the description section, please identify how tribe will address illegal dumping and recycling.

In the outputs and deliverables section, please identify how the deliverable links to work described in the description.

Commitments 6.2:

This commitment looks fine.

Commitment 6.3:

In the outputs and deliverables section, please include pairing the activity as a deliverable with community outreach and education. Please include the number of participants.

Community cleanup events can be beneficial to remove waste from tribal lands. However, community cleanup events should not replace sustainable solid waste collection services or serve as de facto waste hauling/disposal programs. The tribe must demonstrate that the following criteria are met when submitting a revised work plan that includes a community clean-up event:

Criteria

- The Tribe has an Integrated Solid Waste Management Plan (ISWMP) and the plan demonstrates a clear need for community cleanup events;
- The Tribe has a functioning waste collection/hauling/disposal system in place that is used by the majority of the community;
- The community cleanup event is **not** removing trash from individual homes, caused by individual users;
- The community cleanup is **not** replacing regular trash collection services for residents or businesses;
- The Tribe has a program in place to prevent future dumping that would eventually eliminate the need for community cleanup events.

The following elements must be included as deliverables for this activity:

Grant Deliverables

- The Tribe demonstrates that proper safety precautions will be taken during the event, including training for event staff and the provision of personal protective equipment for community clean-up participants.
- The Tribe tracks and reports the amount of waste collected for disposal and/or recycling; and
- The Tribe documents community member participation and community outreach/training on proper waste disposal options.

Our records show that the Tribe has an Integrated Solid Waste Management Plan from 2009. To ensure the greatest opportunity for success of your solid waste management program, it is recommended this ISWMP be updated to reflect the current solid waste management operations and needs of the Tribe. The agency recommends that the plan be reviewed on an annual basis to ensure consistency with the Tribe's priorities, and should be reauthorized every five years. Having an updated and relevant ISWMP is critical for maintaining a sustainable waste management program, and for identifying and organizing current waste management priorities for the Tribe. Prior to undertaking or concurrent with solid waste activities proposed in this work plan, the ISWMP should be updated and approved in this fiscal year. The Region 9 Tribal Solid Waste Team is available to provide technical assistance and a comprehensive review of the ISWMP

